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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/977,500	10/16/2001	Lawrence Wilcock	1509-224	1499

22879 7590 08/09/2006

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EXAMINER

BURGESS, BARBARA N

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 08/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/977,500

Applicant(s)

WILCOCK, LAWRENCE

Examiner

Barbara N. Burgess

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22, 25 and 26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22, 25-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office Action is in response to Amendment filed May 5, 2006. Claims 23-24 have been cancelled as requested by Applicant. Claims 1-22 are presented for further examination. Claims 25-26 are presented for initial examination.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5, 7-20, 22, 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Porter (US 6,434,599 B1) in view of Grimm et al. (hereinafter "Grimm", US Patent 5,828,843).

As per claims 1, 17, and 22, Porter discloses a method, service system, and a processor arrangement for establishing communication over a data network between endpoint systems using a service system that can set up a communication session with an associated transport mechanism enabling the exchange of data between endpoint systems joined to the session by the service system, the method comprising:

- Processing a communication request received at the service system on the basis of information associated with the request, said processing including (column 4, lines 51-53, column 8, lines 24-27):

- Identifying, by the service system, from a pool of current communication sessions, an appropriate session for the communication requested based on session information of the current communication sessions and where no appropriate session currently exists, creating a new appropriate session (column 1, lines 23-35, 65-67, column 2, lines 1-2, column 4, lines 51-53, column 5, lines 1-5, 15-20, column 8, lines 45-50);
- Identifying, from a pool of available parties, a specific party and associated endpoint system to join the session identified or created in step (a) (column 4, lines 34-37, 51-55, column 5, lines 65-67, column 6, lines 1-5, column 7, lines 1-10, 23-27).

Porter does not explicitly disclose identifying by the service system an appropriate session based on comparing session information of one or more of the current sessions with information associated with the communication request.

However, in an analogous art, Grimm discloses a matchmaker that forms matched sets of users by either automatically matching users into matched sets or allowing users to create match offers that other users may browse and then choose to join.

The matchmaker compares the user attributes to the communication attributes, application attributes, and other user attributes of matched sets and/or offers (column 3, lines 45-50, column 4, lines 18-30, column 5, lines 31-34, 43-49, 58-65).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Grimm's identifying by the service system an appropriate session based on comparing session information of one or more of the current sessions with information associated with the

communication request in Porter's system to make sure that the requesting user's attributes are compatible with those of other clients.

As per claims 2, 18, Porter discloses a method and service system according to claims 1 and 17, wherein the communication request is made by a party through an associated endpoint system, said information associated with the communication request including information input by a party associated with an endpoint system generating the communication request (column 3, lines 19-28, column 4, lines 31-37, 51-58, column 5, lines 45-55, column 8, lines 15-27).

As per claims 3, 19, Porter discloses a method and service system according to claims 1 and 17, wherein the communication request is made by a party through an associated endpoint system, said information associated with the communication request including information about a topic of interest to the party, the information being derived from the identity or content of information pages served to that party from an information page server (column 1, lines 60-67, column 2, lines 1-10, column 3, lines 20-27, 32-35, column 4, lines 22-28).

As per claims 4, 20, Porter discloses a method and service system according to claims 1 and 17, wherein the communication request is made by a party through an associated endpoint system and includes an identifier of that party, said information associated with the communication request including information obtained by the

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service system as a result of accessing a party-profile database using the party identifier (column 4, lines 34-42, 51-55, column 6, lines 23-30).

As per claim 5, Porter discloses a method according to claim 1, wherein a first endpoint system wishing to communicate with a second endpoint system appropriate to a target subject, sends a communication request to the service system with information identifying itself and describing the target subject, the service system carrying out steps (a) and (b) to provide an appropriate communications session and identify an appropriate second endpoint system, the service system inviting the identified first and second endpoint systems into the communication session (column 2, lines 1-2, column 4, lines 51-53, column 5, lines 1-5, 15-20, column 7, lines 1-10, 23-27, column 8, lines 45-50).

As per claim 7, Porter discloses a method according to claim 1, wherein in setting up a communication session, the service system creates a respective service-session functional entity which, when joining an endpoint system to the session, sends connection details of the transport mechanism associated with the communication session to the endpoint system or an associated proxy, said endpoint system or associated proxy then using the connection details to connect itself to the transport mechanism (column 3, lines 40-47, column 4, lines 14-28).

As per claim 8, Porter discloses a method according to claim 7, wherein the service session functional entity comprises a session instance with generic behavior for adding and removing endpoint systems to the communication session and capable of recording the endpoint systems currently joined to the communication session, and an associated service instance with service-specific behavior capable of determining when the session instance is to add and remove endpoint systems (column 5, lines 1-14, column 6, lines 23-35).

As per claim 9, Porter discloses a method according to claim 1, wherein in setting up a communication session, the service session creates a respective service session functional entity that comprises a session instance with generic behavior capable adding and removing endpoint systems to the communication session and capable of recording the endpoint systems currently joined to the communication session, and an associated service instance with service-specific behavior capable of determining when the session instance is to add and remove endpoint systems (column 5, lines 1-14, column 6, lines 23-35).

As per claim 10, Porter discloses a method according to claim 1, wherein the transport mechanism associated with a communication session provides multiple data transfer channels, for different media types, between endpoint systems joined to the communication session (column 8, lines 20-23).

As per claim 11, Porter discloses a method according to claim 10, wherein the endpoint systems include web browser functionality, the service system includes functionality, and the transport mechanism includes channels, for at least two of the following: text chat, follow-me page-push, and packetized voice (column 8, lines 20-23).

As per claim 12, Porter discloses a method according to claim 7, wherein the transport mechanism associated with a communication session includes multiple data transfer channels, for different media types, between endpoint systems joined to the communication session, the connection details passed to an endpoint system, or its proxy, comprising details of the media channels associated with the communication session, and the endpoint system or its proxy using these details to establish corresponding media channel connections to the transport mechanism (column 3, lines 40-47, column 4, lines 14-28, column 8, lines 20-23).

As per claim 13, Porter discloses a method according to claim 7, wherein the state of connection of an endpoint system to the transport mechanism is signaled to the session service functional entity by leg messages passed between a leg controller of the endpoint system or its proxy and a corresponding leg controller of the service-session functional entity (column 3, lines 40-47, column 4, lines 14-28, column 8, lines 20-23).

As per claim 14, Porter discloses a method according to claim 7, wherein an endpoint system or its proxy to be joined to a communication session already has connection functionality for joining and participating in a communication session, the service session functional entity of the communication session to which the endpoint system is to be joined inviting this endpoint system into the session by sending said connection details to the connection functionality of the system or its proxy (column 3, lines 40-47, column 4, lines 14-28, column 8, lines 20-23).

As per claim 15, Porter discloses a method according to claim 7, wherein the service session functional entity of the communication session to which an endpoint system is to be joined, invites said endpoint system into the session by sending the latter both connection functionality for joining and participating in a communication session and said connection details (column 3, lines 40-47, column 4, lines 14-28, column 8, lines 20-23).

As per claim 16, Porter disclose a method according to claim 14, wherein the connection details and functionality are sent in association with a web page served by the service system (column 1, lines 60-67, column 3, lines 20-35, 56-60, column 4, lines 20-28).

As per claims 25 and 26, Porter disclose a system according to claims 1, 17, wherein the information associated with the communication request comprises initiation context information (column 5, lines 45-67, column 6, lines 50-62).

3. Claims 6, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Porter (US 6,434,599 B1) in view of Grimm et al. (hereinafter "Grimm", US Patent 5,828,843) and in further view of Cave (US 5,958,014).

As per claims 6, 21, Porter, in view of Grimm, discloses a method and service system according to claims 1 and 17.

Porter, in view of Grimm, does not explicitly disclose wherein the service system is associated with a contact center and the said pool of available parties includes a pool of available customer service representatives.

However, in an analogous art, Cave discloses a system and method for establishing a data connection between a customer and service agent selected from an updated pool of available agents (Abstract, column 2, lines 10-20, column 3, lines 61-67, column 4, lines 4-12).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Cave's service system associated with a contact center and pool of available customer service representatives in Porter's method and service system in order to connect the user to the next available agent for bi-directional data exchange.

Response to Arguments

The Office notes the following arguments:

- (a) Porter fails to discuss at least the service system identifying an appropriate session for the communication requested based on comparing session information of one or more of current communication sessions.
- (b) With reference to claims 7 and 9, Porter fails to disclose a service-session functional entity.
- (c) With reference to claims 6 and 21, the Office Action fails to identify any teaching, suggestion, or motivation to combine Porter with Cave.
- (d) The Office Action appears to improperly apply hindsight reasoning for the combination of Porter and Cave.

In response to:

- (a) Applicant's argument has been considered but is moot in view of the new ground(s) of rejection.
- (b) Applicant's argument filed has been fully considered but is not persuasive. Porter discloses a visitor manager used to track visitors and information associated with visitors. The visitor manager creates a record in the visitor's list for each new visitor and deletes the visitation record when the visitor leaves (column 6, lines 23-45). Therefore, Porter indeed teaches a service-session functional entity.
- (c) In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention

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where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Cave's service system associated with a contact center and pool of available customer service representatives in combination with Porter's method and service system enables connecting the user to the next available agent for bi-directional data exchange.

(d) In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barbara N. Burgess whose telephone number is (571) 272-3996. The examiner can normally be reached on M-F (8:00am-4:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Examiner
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August 3, 2006


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